



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2408924

Applicant Name: Ben Rankin

Address of Proposal: 3225 NW 62nd St.

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel containing one duplex (apartment) and one single family residence into two unit lots with one residential structure on each. Proposed lot sizes are: A) 5,385 sq. ft. and B) 2,725 sq. ft. Development standards will be applied to the original parcel and not to each of the new unit lots.

The following approval is required:

Short Subdivision to create two unit lots (SMC Chapter [23.24](#))

BACKGROUND DATA

Zoning: Single Family 5000 (SF 5000)

Uses on Site: Duplex and single family home, with accessory garage.

Public Comment: DPD received several letters from neighbors commenting on the proposal. Concerns centered primarily around whether the existing principal structures were legitimately established, and whether the proposed unit subdivision would facilitate further redevelopment of the site. Comment letters are available in the public file at the Public Resource Center, located on the 20th floor of Seattle Municipal Tower, 700 5th Avenue, downtown Seattle.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC [23.24.040](#), the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section [23.53.005](#);*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section [25.09.240](#), short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Departments (SFD), Seattle City Light, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions of the set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an environmentally critical area; therefore SMC [25.09.240](#) is not applicable. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION

Conformance to the provisions of Section [23.24.045](#), unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. *The unit subdivision provisions of SMC Section [23.24.045](#) apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*

- B. Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. A joint use and maintenance agreement has been included on the short plat documents and should also be included on the final documents for recording.*
- F. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Department of Records and Elections.*
- G. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC [23.24.045](#) subject to the conditions imposed at the end of this decision. The existing structures are a cluster development, as defined in SMC [23.84.006](#). The principal structures and accessory garage are reflected in the site's permit history, they are therefore established, and they presumably conform to standards in effect at the time of their development. To assure that future owners have constructive notice that additional development may be limited; the applicant will be required to add a note to the face of the plat that reads as follows: "*The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.*" A joint use and maintenance agreement will be required as conditioned at the end of this decision.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Provide on the plat a joint use and maintenance agreement.
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat “For conditions of approval after recording see page ____ of ____.”
3. Provide on the plat the required Seattle City Light easement, attached.
4. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
5. Include the following on the face of the plat: “The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.”
6. Post an address sign to benefit the single family dwelling at a location visible from NW 62nd St and provide an easement, covenant, or other legal agreement to ensure that the address signage is maintained.
7. Submit the recording fee and final recording forms for approval.

Prior to Issuance of any Building Permit

8. The owner(s) and/or responsible party(ies) shall attach a copy of the recorded short subdivision to all plans for any application for a permit to construct, demolish, or change use.

Signature: _____ (signature on file) Date: March 10, 2005
Scott A. Ringgold, Land Use Planner

SAR:rgc
K:\Signed Decisions\2408924.doc

UNIT LOT SUBDIVISION NO. 2408924

P.M. #250310-1-011

EASEMENT (Overhead and Underground)

THIS EASEMENT GRANTS to the City of Seattle, hereafter called the Grantee, its successors and assigns, the right, privilege and authority to install, construct, erect, alter, improve, repair, energize, operate and maintain electric overhead and underground distribution facilities at depths not exceeding 15 feet, which consist of poles with braces, guys and anchors, crossarms, transformers, ducts, vaults, manholes, cabinets, containers, conduits, wires and other necessary or convenient appurtenances to make said underground and overhead installations an integrated electric system. All such electric system is to be located across, over, upon and under the following described lands and premises situated in the County of King, State of Washington, to wit:

The east 6.00 feet of the north 89.74 feet of Lot 6,
Block 1, Prospect Beach Addition to the City of Ballard,
according to the plat recorded in Volume 9 of Plats,
page 97, records of King County, Washington;
EXCEPT any portions thereof lying within the existing
Duplex located on said property.

(Being the east 6.00 feet of Unit Lot A,
City of Seattle Unit Lot Subdivision No. 2408924;
EXCEPT any portions thereof lying within the existing
duplex located on said Unit Lot A.)

Together with the right at all times to the Grantee of ingress to and egress from said lands across adjacent lands within said Unit Lot A for the purpose of installing, constructing, reconstructing, repairing, renewing, altering, changing, patrolling, energizing and operating said electric system, and the right at any time to remove all or any part of said electric system from said lands.

Also together with the right to the Grantee at all times to cut and trim brush, trees or plants of any kind standing or growing upon said lands or adjacent lands within said Unit Lot A which, in the opinion of the Grantee, interfere with the maintenance or operation of the electric system, or constitute a menace or danger to said system.

It is covenanted and agreed that no structure or fire hazards will be erected or permitted within the above described easement area without prior written approval from the Grantee, its successors and assigns.

It is further covenanted and agreed that no digging will be done or permitted within the easement area which will in any manner disturb the facilities or their solidity or unearth any portion thereof; and that no blasting or discharge of any explosives will be permitted within fifty (50) feet of said lines and appurtenances.

The Grantee is to be responsible, as provided by law, for any damage through its negligence in the construction, maintenance and operation of said electric system across, over, upon and under the property granted in this easement or land adjacent thereto.

The rights, title, privileges and authority hereby granted shall continue and be in force until such time as the Grantee, its successors and assigns, shall permanently remove said poles, wires and appurtenances from said lands or shall otherwise permanently abandon said electric system, at which time all such rights, title, privileges and authority hereby granted shall terminate.